IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.38603 of 2008
ABINANANDAN SAHI …. PETITIONER
Versus
THE STATE OF BIHAR …. OPP. PARTY
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2. 26.11.2008 Heard Sri Ravi Ranjan, Advocate for the petitioner and Sri D. Mehta, APP for the State.

The petitioner was driving an Ambassador car. The police stopped the vehicle and on search the petitioner was found carrying as per the allegations a pistol, which was made in USA and which was 7.65 bore. The magazine was also of the same cartridges and there were two empty cartridges of 7.65 bore lying on the seat of the vehicle.

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The contention is that the Sergeant Major, who examined the weapon and the cartridges reported as country made pistol and not made in USA.

The court does not have inclination to act upon the report of the Sergeant Major, inasmuch as had there not been the magazine or had there not been empty cartridges of the same make, the court could have accepted the report of the Sergeant Major. As indicated above, the weapons are prohibited arms.

The petition is dismissed.

DKS/ **(Dharnidhar Jha, J.)**